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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,745	07/15/2003	Robert D. Tolles	3522 C2/CMP/CMP/RKK	7416

7590

08/10/2004

Patent Counsel
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EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,745

Applicant(s)

TOLLES ET AL.

Examiner

Timothy V Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because --or-- should be inserted before "more"(line 2), and --a-- should be inserted before "pad"(line 2). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4,6-8, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasick(2,819,568).

a. Kasick discloses a platen assembly 3 comprising a patterned surface for securing a pad thereto, the patterned surface comprising one or more raised portions disposed on the pattern surface defining a mounting surface, a recessed area defined by the one or more raised portions, and a polishing pad 4.

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b. Regarding claim 4, the platen assembly may be part of a chemical mechanical polishing system since chemicals may be used in conjunction with the tool.

c. Regarding claims 6 and 7, the platen assembly can be used with a polyurethane or plastic foam pad.

4. Claims 1-4,6-8,12-14,16,17,19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al(5,718,620).

d. Tanaka et al discloses a platen assembly 2 comprising a patterned surface for securing a pad thereto, the patterned surface comprising one or more raised portions disposed on the pattern surface defining a mounting surface, a recessed area defined by the one or more raised portions, and a polishing pad 6. See figure 1.

a. Regarding claims 2,12-14, and 20, the recessed area comprises a plurality of grooves which extend to a perimeter of the platen. See specifically figure 12, and column 9, lines 30-33.

b. Regarding claims 6 and 7, the platen assembly can be used with a polyurethane or plastic foam pad.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al in view of Ward(6,036,586).

a. Tanaka et al is explained above.

b. Tanaka et al does not disclose a platen which comprises aluminum or a coating disposed on the patterned surface.

c. Ward discloses that it is well known in the art to manufacture a platen out of aluminum and to provide a coating thereon in order to protect the surface of the platen. See column 3, lines 1-20.

d. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Tanaka et al apparatus by manufacturing the platen from aluminum and providing a coating on the platen and thus the patterned surface as taught by Ward in order to protect the surface of the platen.

7. Claims 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al in view of Yellitz et al(6,093,085).

a. Tanaka et al is explained above.

b. Tanaka et al does not disclose that the polishing pad is polyurethane or plastic foam.

c. Yellitz et al disclose that it is well known in the art to manufacture a polishing pad from polyurethane or (inherently) "plastic" foam.

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d. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Tanaka et al apparatus by manufacturing the polishing pad therein from polyurethane or "plastic" foam as taught to be desirable by Yellitz et al.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

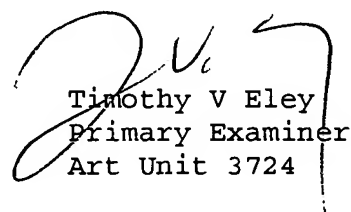
a. The cited prior art discloses platen assemblies.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 703-308-1824. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy V Eley
Primary Examiner
Art Unit 3724

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